

## MINUTES OF THE

# NEBRASKA NATURAL RESOURCES COMMISSION MEETING

January 26, 2000

---

### Those in attendance were:

Wayne Davis, Chair	Roger Patterson
Roy Stewart, Member	Steve Chick
Frank Bartak, Member	Paul Rohrbaugh
LeRoy Pieper, Member	Orval Gigstad
Robert Hahn, Member	Marlin Petermann
Richard Mercer, Member	Milton Moravek
Wayne Madsen, Member	Dayle Williamson, Director
Don Roberts, Member	Jim Cook, Staff
Jim Van Marter, Member	Brian Dunnigan, Staff
Joe Hergott, Member	Steve Gaul, Staff
Roger Korell, Member	Mahendra Bansal, Staff
Richard Jiskra, Member	Tom Pesek, Staff
Don Larson, Member	Gayle Starr, Staff
Dale Watermeier, Member	
Vince Kramper, Member	
Beverly Donaldson, Member	

### CALL TO ORDER

The meeting was called to order Chair Wayne Davis in Lower Level Conference Room A of the Nebraska State Office Building in Lincoln, Nebraska, at approximately 2:00 p.m.

### PUBLIC NOTICE

Public notice of the meeting was placed in the LINCOLN JOURNAL STAR on January 19, 2000, notifying the public of the meeting.

### INFORMATIONAL MATERIAL

The following items of informational material were distributed during the course of the meeting and a copy of each is attached to the file copy of the minutes.

- Natural Resources Conservation Service Report to the Nebraska Natural Resources Commission and Nebraska Association of Resources Districts, January, 2000.
- Memo to Commission Members on the Climate Assessment and Response Committee.
- Soil & Water Conservation Fund Report, January 10, 2000.
- Draft Policy Statement XII, Operations, National Flood Insurance Program Participation.
- Nebraska Resources Development Fund Present Financial Status Report, January 25, 2000.
- Small Watersheds Flood Control Fund, Status of Fund Report, January 25, 2000.
- Natural Resources Enhancement Fund Distribution.

- Water Well Decommissioning Cash Fund.
- Copy of letter to Tom Pesek on Papillion Creek Watershed PL566 Structure D-17 from Papio-Missouri River NRD.
- Nemaha NRD – Letter to Tom Pesek to request amendment of Small Watershed Flood Control Fund (LB 71 Fund) Agreements for Middle Big Nemaha Sites 3 and 88.
- Expenditures for December 1999.
- State of Nebraska Soil Survey Geographic Database Production Schedule.
- Federal Emergency Management Agency Federal Insurance Administration – Areas Which Have Had Special Flood Hazard Areas Identified.

### MINUTES

Motion was made by Kramper and seconded by Pieper to approve the minutes of the December 9, 1999, Commission meeting as distributed. Motion carried.

Aye: Madsen, Van Marter, Stewart, Roberts, Hahn, Hergott, Donaldson, Mercer, Jiskra, Watermeier, Pieper, Bartak, Larson, Kramper, Korell, Davis

Nay: None

Not Present: None

### EXPENDITURES

Motion was made by Kramper and seconded by Van Marter to approve the expenditures for December, 1999, as distributed. Motion carried.

Aye: Van Marter, Stewart, Roberts, Hahn, Hergott, Donaldson, Mercer, Jiskra, Watermeier, Pieper, Bartak, Larson, Kramper, Korell, Madsen, Davis

Nay: None

Not Present: None

### ADVISOR'S COMMENTS

Steve Chick, representing the Natural Resources Conservation Service, distributed a report to the Commission as well as a summary of the President's proposed budget initiative for private lands conservation. He briefly discussed the carbon sequestration issue and the federal budget. He added that he had testified in a neutral position before the Legislature's Natural Resources Committee on Tuesday regarding the carbon sequestration bill (LB 957).

### DIRECTOR'S REPORT

Dayle Williamson distributed a report on the current drought situation and the state's Climate Assessment Response Committee. He noted that attached to his report was a U.S. map showing drought conditions around the country and that the map was available over the internet.

### ENVIRONMENTAL TRUST FUND

Vince Kramper noted that the next meeting of the Environmental Trust was February 15 in Beatrice where a public hearing on the proposed grant awards of \$8.9 million dollars would be held. Dick Mercer noted that a final decision on the grant awards would not be made until the next subsequent meeting. Mercer added that there were a number of

legislative bills concerning the Environmental Trust that would be discussed later under the Legislative Committee report.

-

PLATTE AND REPUBLICAN RIVER ACTIVITIES

Jim Cook explained that there had been continued activity on various aspects of the Cooperative Agreement since the last meeting and it was expected that the Environmental Impact Statement will be released by April.

DWR/NRC MERGER

Dayle Williamson and Roger Patterson both reviewed the background and the reasons for the proposed merger and discussed the staff activities that are taking place to prepare for the proposed merger.

LEGISLATION

Jim Cook distributed a list of bills that the Commission might want to take positions on and Dick Mercer asked Jim Cook to review the bills and Commission members could decide whether or not any position should be taken on each.

Cook first reviewed the NRC/DWR merger bill (LB 900) and noted that Natural Resources Committee Chair, Ed Schrock, suggested that the Commission might want to consider changing the name of the Commission so as not to confuse it with the name of the Department. Motion was made by Kramper and seconded by Pieper to support LB 900 and to recommend that the name of the Commission remain as is. Motion carried.

Aye: Stewart, Roberts, Hahn, Hergott, Donaldson, Mercer, Jiskra, Pieper, Bartak, Larson, Kramper, Korell, Madsen, Van Marter, Davis

Nay: None

Not Present: Watermeier

Motion was made by Van Marter and seconded by Roberts to support LB 957 concerning carbon sequestration. Motion carried.

Aye: Roberts, Hahn, Hergott, Donaldson, Mercer, Jiskra, Watermeier, Pieper, Bartak, Larson, Kramper, Korell, Madsen, Van Marter, Stewart, Davis

Nay: None

Motion was made by Madsen and seconded by Roberts to support LB 1040 relating to the Water Quality Monitoring Study by the Department of Environmental Quality. Motion carried.

Aye: Hahn, Hergott, Donaldson, Mercer, Jiskra, Watermeier, Pieper, Bartak, Larson, Kramper, Korell, Madsen, Van Marter, Stewart, Roberts, Davis

Nay: None

Motion was made by Mercer and seconded by Korell to support LB 1041 which would continue the current Natural Resources Enhancement Fund beyond its sunset date of December 31, 2000. Motion carried.

Aye: Donaldson, Mercer, Jiskra, Watermeier, Pieper, Bartak, Larson, Kramper, Korell, Madsen, Van Marter, Stewart, Hahn, Davis

Nay: Hergott, Roberts

Motion was made by Madsen and seconded by Roberts to support LB 1069 concerning extending the Republican Water Meter cost-share fund to surface water irrigators. Motion carried.

Nay: None

Motion was made by Kramper and seconded by Stewart to support LB 1135 concerning the elimination of certain state boards and commissions if the Interrelated Water Review Committee and the Niobrara Scenic River Local Management Council are not included in that elimination bill. Motion carried.

Aye: Jiskra, Watermeier, Pieper, Bartak, Larson, Kramper, Korell, Madsen, Van Marter, Stewart, Roberts, Hahn, Hergott, Donaldson, Mercer, Davis

Nay: None

Motion was made by Bartak and seconded by Jiskra to support LB 1151, which would appropriate \$1.5

Million dollars to the Nebraska Soil and Water Conservation Program to be targeted to critical erosion or water quality areas as defined by the Commission.

Aye: Jiskra, Watermeier, Pieper, Bartak, Larson, Kramper, Korell, Madsen, Van Marter, Stewart, Roberts, Hahn, Hergott, Donaldson, Mercer, Davis

Nay: None

Motion was made by Hergott, and seconded by Roberts to oppose LB 905, which would repeal the lottery. Motion carried.

Aye: Watermeier, Pieper, Bartak, Larson, Kramper, Korell, Madsen, Van Marter, Stewart, Roberts, Hahn, Hergott, Donaldson, Mercer, Jiskra, Davis

Nay: None

Motion was made by Jiskra and seconded by Van Marter to support LB 992, which would establish a Green Futures Trust Fund within the current Environmental Trust Fund. Motion carried.

Aye: Pieper, Bartak, Larson, Kramper, Korell, Madsen, Van Marter, Stewart, Roberts, Hahn, Hergott, Donaldson, Mercer, Jiskra, Watermeier, Davis

Nay: None

Motion was made by Stewart and seconded by Jiskra to monitor LB 1138 regarding state aid to NRDs.

Motion carried.

Aye: Bartak, Larson, Kramper, Korell, Madsen, Van Marter, Stewart, Roberts, Hahn, Hergott, Donaldson, Mercer, Jiskra, Watermeier, Pieper, Davis

Nay: None

Motion was made by Mercer and seconded by Bartak to monitor LB 1150 concerning and increasing the current lottery payout. Motion carried.

Aye: Larson, Kramper, Korell, Madsen, Van Marter, Stewart, Roberts, Hahn, Hergott, Donaldson, Mercer, Jiskra, Watermeier, Pieper, Bartak, Davis

Nay: None

Motion was made by Jiskra and seconded by Larson to oppose LB 1394, which would authorize NRDs to utilize eminent domain involving county roads for NRD projects. Motion carried.

Aye: Kramper, Korell, Madsen, Van Marter, Stewart, Roberts, Hahn, Donaldson, Mercer, Jiskra, Watermeier, Pieper, Bartak, Larson, Davis

Nay: Hergott

Motion was made by Madsen and seconded by Pieper to oppose LB 1220 regarding exempting NRDs from some licensing and certification requirements of the Water Well Standards Contractors Licensing Act. Motion was made by Kramper and seconded by Van Marter to table the previous motion. Motion to table failed.

Aye: Korell, Van Marter, Stewart, Donaldson, Watermeier, Larson, Kramper, Davis

Nay: Madsen, Roberts, Hahn, Hergott, Mercer, Jiskra, Pieper, Bartak

The original motion failed.

Aye: Madsen, Van Marter, Hahn, Mercer, Jiskra, Pieper, Larson

Nay: Stewart, Roberts, Hergott, Watermeier, Bartak, Korell, Davis

Present, Not Voting: Donaldson, Kramper

### COMPREHENSIVE PLANNING COMMITTEE

Steve Gaul briefly reviewed several Comprehensive Planning Section activities including progress being made on the floodplain mapping program and SSURGO soils mapping.

Mahendra Bansal explained that he had previously told the Commission that the staff was using Lancaster County as a pilot project for a possible initiation of second generation DEM/DOQs. He noted the DEM's had been done but work on the DOQs was being held up pending receipt of new aerial photography from USGS. Bansal also explained the staff's involvement in census estimates and work with the Census Bureau on the information from the 2000 census to be done in the near future.

### PROGRAM COMMITTEE

Leroy Pieper called on Tom Pesek who distributed the Resources Development Fund Status Report and briefly reviewed it. Brian Dunnigan distributed and reviewed a proposed policy statement regarding the national flood insurance program participation by Resources Development Fund sponsors. It was noted that action on this policy statement would be scheduled for the next Commission meeting.

Milton Moravek, representing the Central Platte Natural Resources District, provided the Commission with a briefing on the Upper Prairie-Silver-Moores Flood Control Project Proposal.

Tom Pesek distributed and briefly reviewed the Small Watersheds Flood Control Fund status. Tom Pesek, Marlin Petermann, and Jim Cook all discussed aspects of proposed agreements with the Papio NRD concerning the exchange of some lands between the NRD and the developer. It was noted that the land had been originally purchased through the Small Watersheds Flood Control Fund and later retained by the NRD for public use but that the developer would now

be taking over certain responsibilities regarding public use. It was explained there were three separate agreements involved: one involving the exchange of parcels of land between the NRD and the developer; a second is an amendment to the agreement between the Commission and the NRD regarding the NRD's retention of the tract; and the third is a management agreement between the NRD and the developer. Motion was made by Jiskra and seconded by Kramper to approve the three agreements as presented to the Commission. Motion carried.

Aye: Van Marter, Stewart, Roberts, Hahn, Hergott, Donaldson, Mercer, Jiskra, Watermeier, Pieper, Bartak, Larson, Kramper, Korell, Madsen, Davis

Nay: None

Paul Rohrbaugh and Tom Pesek reviewed the request of the Nemaha NRD to modify Small Watershed Flood Control Fund assistance at Middle Big Nemaha Sites 3 and 88 to allow the NRD some flexibility in negotiating with the landowners. It was noted that Funds were not now available to cover all the possibilities that the modification would provide but that funds would be available by the time the funds were actually needed. Motion was made by Kramper and seconded by Watermeier to modify Fund assistance at Middle Big Nemaha Sites 3 and 88 by: (1) approving the appraisal on the Wusk tract (160 acres) at Site 3 and commit \$202,240 for fee title or 50 percent of \$52,960 for easement on 67.8 acres and (2) approving the appraisal on the Wolken tract (260 acres) at Site 88 and commit \$367,900 for fee title or 50 % of \$26,480 for easement on 67.7 acres. Motion carried.

Aye: Stewart, Roberts, Hahn, Hergott, Donaldson, Mercer, Jiskra, Watermeier, Pieper, Bartak, Larson, Kramper, Korell, Madsen, Van Marter, Davis

Nay: None

Gayle Starr distributed status reports on the Soil and Water Conservation Fund, Republican River Water

Meter Fund, Natural Resources Enhancement Fund, and Water Well Decommissioning Fund and briefly discussed each of them.

#### MEETING DATES

Motion was made by Kramper and seconded by Korell to establish the following meeting dates for the coming year:

March 8-9, May 3-4, June 14-15, Aug. 9-10, Sept. 26-27, Kearney, Oct. 25-26, Dec. 6-7, 2000 and Jan. 24-25, 2001.

Aye: Roberts, Hahn, Hergott, Donaldson, Mercer, Jiskra, Watermeier, Pieper, Bartak, Larson, Kramper, Korell, Madsen, Van Marter, Stewart, Davis

Nay: None

#### ELECTION OF OFFICERS

Commission Chair Davis noted that the election of officers is the next agenda item and he called for nominations for the position of Commission Chair. Richard Jiskra was nominated by Vince Kramper. Motion was made by Roberts and seconded by Pieper to close the nominations and cast a unanimous ballot for Richard Jiskra. Motion carried.

Aye: Hahn, Hergott, Donaldson, Mercer, Watermeier, Pieper, Bartak, Larson, Kramper, Korell, Madsen, Van Marter, Stewart, Roberts, Davis

Nay: None

Present, Not Voting: Jiskra

Davis called for nominations for the position of Commission Vice Chair and LeRoy Pieper and Dale Watermeier were both nominated. Motion was made by Kramper and seconded by Pieper to close nominations for the position of Commission Vice Chair.

Aye: Hergott, Donaldson, Mercer, Jiskra, Watermeier, Pieper, Bartak, Larson, Kramper, Korell, Madsen, Van Marter, Stewart, Roberts, Hahn, Davis

Nay: None

Ballots were distributed to Commission members and the ballots were counted by Roger Patterson and Jim Cook with the results being as follows: Pieper – 9; Watermeier – 7.

NEXT MEETING

The next meeting of the Commission will be March 8 & 9 in Lincoln.

ADJOURNMENT

The meeting was adjourned at approximately 4:55 p.m.

---

Chairman Director of Natural Resources

